

House File 779 - Introduced

HOUSE FILE _____
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 163)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to matters under the purview of the department of
2 transportation, including provisions for the administration of
3 the department, driver licensing, vehicle regulation, the
4 motor fuel tax formula, and the issuance of citations,
5 establishing a cap on annual deposits to the TIME=21 fund,
6 providing a penalty, and providing effective and retroactive
7 applicability dates.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1312HV 83
10 dea/nh/8

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1 1 DIVISION I
1 2 ADMINISTRATION
1 3 Section 1. Section 321.145, subsection 2, paragraph b,
1 4 subparagraph (5), Code 2009, is amended by striking the
1 5 subparagraph.
1 6 DIVISION II
1 7 DRIVER LICENSING
1 8 Sec. 2. Section 321.180B, unnumbered paragraph 1, Code
1 9 2009, is amended to read as follows:
1 10 Persons under age eighteen shall not be issued a license or
1 11 permit to operate a motor vehicle except under the provisions
1 12 of this section. However, the department may issue restricted
1 13 and special driver's licenses to certain minors as provided in
1 14 sections 321.178 and 321.194, and driver's licenses restricted
1 15 to motorized bicycles as provided in section 321.189. A
1 16 license or permit shall not be issued under this section or
1 17 section 321.178 or 321.194 without the consent of a parent or
1 18 guardian or a person having custody of the applicant under
1 19 chapter 232 or 600A. An additional consent is required each
1 20 time a license or permit is issued under this section or
1 21 section 321.178 or 321.194. The consent must be signed by at
1 22 least one parent, or guardian, or custodian on an affidavit
1 23 form provided by the department.
1 24 Sec. 3. Section 321.180B, subsection 1, unnumbered
1 25 paragraph 3, Code 2009, is amended to read as follows:
1 26 Except as otherwise provided, a permittee who is less than
1 27 eighteen years of age and who is operating a motor vehicle
1 28 must be accompanied by a person issued a driver's license
1 29 valid for the vehicle operated who is the parent, or guardian,
1 30 or custodian of the permittee, member of the permittee's
1 31 immediate family if the family member is at least twenty-one
1 32 years of age, an approved driver education instructor, a
1 33 prospective driver education instructor who is enrolled in a
1 34 practitioner preparation program with a safety education
1 35 program approved by the state board of education, or a person
2 1 at least twenty-five years of age if written permission is
2 2 granted by the parent, or guardian, or custodian, and who is
2 3 actually occupying a seat beside the driver. A permittee
2 4 shall not operate a motor vehicle if the number of passengers
2 5 in the motor vehicle exceeds the number of passenger safety
2 6 belts in the motor vehicle. If the applicant for an
2 7 instruction permit holds a driver's license issued in this
2 8 state valid for the operation of a motorized bicycle or a
2 9 motorcycle, the instruction permit shall be valid for such
2 10 operation without the requirement of an accompanying person.
2 11 Sec. 4. Section 321.180B, subsection 2, Code 2009, is
2 12 amended to read as follows:
2 13 2. INTERMEDIATE LICENSE. The department may issue an

2 14 intermediate driver's license to a person sixteen or seventeen
2 15 years of age who possesses an instruction permit issued under
2 16 subsection 1 or a comparable instruction permit issued by
2 17 another state for a minimum of six months immediately
2 18 preceding application, and who presents an affidavit signed by
2 19 a parent, ~~or~~ guardian, or custodian on a form to be provided
2 20 by the department that the permittee has accumulated a total
2 21 of twenty hours of street or highway driving of which two
2 22 hours were conducted after sunset and before sunrise and the
2 23 street or highway driving was with the permittee's parent,
2 24 guardian, custodian, instructor, a person certified by the
2 25 department, or a person at least twenty-five years of age who
2 26 had written permission from a parent, ~~or~~ guardian, or
2 27 custodian to accompany the permittee, and whose driving
2 28 privileges have not been suspended, revoked, or barred under
2 29 this chapter or chapter 321J during, and who has been accident
2 30 and violation free continuously for, the six-month period
2 31 immediately preceding the application for an intermediate
2 32 license. An applicant for an intermediate license must meet
2 33 the requirements of section 321.186, including satisfactory
2 34 completion of driver education as required in section 321.178,
2 35 and payment of the required license fee before an intermediate
3 1 license will be issued. A person issued an intermediate
3 2 license must limit the number of passengers in the motor
3 3 vehicle when the intermediate licensee is operating the motor
3 4 vehicle to the number of passenger safety belts.

3 5 Except as otherwise provided, a person issued an
3 6 intermediate license under this subsection who is operating a
3 7 motor vehicle between the hours of twelve-thirty a.m. and five
3 8 a.m. must be accompanied by a person issued a driver's license
3 9 valid for the vehicle operated who is the parent, ~~or~~ guardian,
3 10 or custodian of the permittee, a member of the permittee's
3 11 immediate family if the family member is at least twenty-one
3 12 years of age, an approved driver education instructor, a
3 13 prospective driver education instructor who is enrolled in a
3 14 practitioner preparation program with a safety education
3 15 program approved by the state board of education, or a person
3 16 at least twenty-five years of age if written permission is
3 17 granted by the parent, ~~or~~ guardian, or custodian, and who is
3 18 actually occupying a seat beside the driver. However, a
3 19 licensee may operate a vehicle to and from school-related
3 20 extracurricular activities and work without an accompanying
3 21 driver between the hours of twelve-thirty a.m. and five a.m.
3 22 if such licensee possesses a waiver on a form to be provided
3 23 by the department. An accompanying driver is not required
3 24 between the hours of five a.m. and twelve-thirty a.m.

3 25 Sec. 5. Section 321.180B, subsection 4, Code 2009, is
3 26 amended to read as follows:

3 27 4. FULL DRIVER'S LICENSE. A full driver's license may be
3 28 issued to a person seventeen years of age who possesses an
3 29 intermediate license issued under subsection 2 or a comparable
3 30 intermediate license issued by another state for a minimum of
3 31 twelve months immediately preceding application, and who
3 32 presents an affidavit signed by a parent, ~~or~~ guardian, or
3 33 custodian on a form to be provided by the department that the
3 34 intermediate licensee has accumulated a total of ten hours of
3 35 street or highway driving of which two hours were conducted
4 1 after sunset and before sunrise and the street or highway
4 2 driving was with the licensee's parent, guardian, custodian,
4 3 instructor, a person certified by the department, or a person
4 4 at least twenty-five years of age who had written permission
4 5 from a parent, ~~or~~ guardian, or custodian to accompany the
4 6 licensee, whose driving privileges have not been suspended,
4 7 revoked, or barred under this chapter or chapter 321J during,
4 8 and who has been accident and violation free continuously for,
4 9 the twelve-month period immediately preceding the application
4 10 for a full driver's license, and who has paid the required
4 11 fee.

4 12 Sec. 6. Section 321.184, subsection 1, Code 2009, is
4 13 amended to read as follows:

4 14 1. CONSENT REQUIRED. The application of an unmarried
4 15 person under the age of eighteen years for a driver's license
4 16 shall contain the verified consent and confirmation of the
4 17 applicant's birthday by either parent of the applicant, the
4 18 guardian of the applicant, or a person having custody of the
4 19 applicant under chapter 232 or 600A. Officers and employees
4 20 of the department may administer the oaths without charge.

4 21 Sec. 7. Section 321.208, subsection 1, paragraph b, Code
4 22 2009, is amended by striking the paragraph.

4 23 Sec. 8. Section 321.208, subsection 2, paragraph a, Code
4 24 2009, is amended to read as follows:

4 25 a. ~~Operating a motor vehicle while under the influence of~~
4 26 ~~an alcoholic beverage or other drug or controlled substance or~~
4 27 ~~a combination of such substances intoxicated, as provided in~~
4 28 ~~section 321J.2, subsection 1.~~

4 29 Sec. 9. Section 321.210A, subsection 1, paragraph c, Code
4 30 2009, is amended to read as follows:

4 31 c. Upon receipt of a report of a failure to pay the fine,
4 32 penalty, surcharge, or court costs from the clerk of the
4 33 district court, the department shall in accordance with its
4 34 rules, suspend the person's driver's license until the fine,
4 35 penalty, surcharge, or court costs are paid, ~~unless the person~~
5 1 ~~proves to the satisfaction of the department that the person~~
5 2 ~~cannot pay the fine, penalty, surcharge, or court costs.~~

5 3 Sec. 10. Section 321.211A, Code 2009, is amended to read
5 4 as follows:

5 5 321.211A APPEAL OF EXTENDED SUSPENSION OR REVOCATION.

5 6 Notwithstanding any provision of law to the contrary, if a
5 7 person was not served with notice of a suspension or
5 8 revocation under section 321.16, or section 321J.9, subsection
5 9 4, or section 321J.12, subsection 3, the person may appeal to
5 10 the department an extension of the period of suspension or
5 11 revocation based upon a conviction under section ~~321.218 or~~
5 12 321J.21. At the hearing on the appeal, the sole issue shall
5 13 be whether the department failed to send notice of the
5 14 underlying suspension or revocation to the person at the
5 15 address contained in the department's records. If the
5 16 department determines it failed to send such notice, the
5 17 department shall rescind the extended suspension or revocation
5 18 resulting from the conviction and send notice of the
5 19 department's determination to the court that rendered the
5 20 conviction. Upon receipt of the notice, the court shall enter
5 21 an order exonerating the person of the conviction and ordering
5 22 that the record of the conviction be expunged by the clerk of
5 23 the district court.

5 24 Sec. 11. Section 321.218, subsection 3, Code 2009, is
5 25 amended by striking the subsection.

5 26 Sec. 12. Section 321J.8, subsection 1, paragraph c,
5 27 subparagraph (2), Code 2009, is amended to read as follows:

5 28 (2) If the person is operating a noncommercial motor
5 29 vehicle and holding a commercial driver's license as defined
5 30 in section 321.1 and either refuses to submit to the test or
5 31 ~~operates a motor vehicle while under the influence of an~~
5 32 ~~alcoholic beverage or other drug or controlled substance or a~~
5 33 ~~combination of such substances submits to the test and the~~
5 34 ~~results indicate the presence of a controlled substance or~~
5 35 ~~other drug or an alcohol concentration equal to or in excess~~
6 1 ~~of the level prohibited by section 321J.2, the person is~~
6 2 ~~disqualified from operating a commercial motor vehicle for the~~
6 3 ~~applicable period under section 321.208 in addition to any~~
6 4 ~~revocation of the person's driver's license or nonresident~~
6 5 ~~operating privilege which may be applicable under this~~
6 6 ~~chapter.~~

6 7 Sec. 13. Section 321J.13, subsection 6, paragraphs a and
6 8 c, Code 2009, are amended to read as follows:

6 9 a. The department shall grant a request for a hearing to
6 10 rescind the revocation if the person whose motor vehicle
6 11 license or operating privilege has been or is being revoked
6 12 under section 321J.9 or 321J.12 submits a petition containing
6 13 information relating to the discovery of new evidence that
6 14 provides grounds for recision rescission of the revocation.

6 15 c. Such a holding by the court in the criminal action is
6 16 binding on the department, and the department shall rescind
6 17 the revocation. If the offense for which the revocation was
6 18 imposed was committed while the person was operating a
6 19 noncommercial motor vehicle and holding a commercial driver's
6 20 license and the department disqualified the person from
6 21 operating a commercial motor vehicle under section 321.208,
6 22 subsection 2, paragraph "a" or "b", as a result of the
6 23 revocation, the department shall also rescind the
6 24 disqualification.

6 25 Sec. 14. Section 805.6, subsection 1, paragraph d, Code
6 26 2009, is amended to read as follows:

6 27 d. The written appearance defined in paragraph "b" shall
6 28 not be used for any offense other than a simple misdemeanor
6 29 ~~and shall not be used for any offense under section 321.218 or~~
6 30 ~~321A.32.~~

6 31 Sec. 15. Section 321.192, Code 2009, is repealed.

6 32 Sec. 16. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

6 33 The section of this division of this Act amending section
6 34 321J.13, being deemed of immediate importance, takes effect
6 35 upon enactment and applies retroactively to January 1, 2009.

DIVISION III

VEHICLES

7 1
7 2
7 3 Sec. 17. Section 312.2, subsection 19, paragraph a, Code
7 4 2009, is amended by striking the paragraph and inserting in
7 5 lieu thereof the following:

7 6 a. The treasurer of state, before making the allotments
7 7 provided for in this section, shall credit monthly to the
7 8 TIME=21 fund created in section 312A.2 the following amounts:

7 9 (1) One-half of the amount received by the treasurer from
7 10 trailer registration fees pursuant to section 321.123,
7 11 subsection 1, paragraph "a", subparagraph (1).

7 12 (2) Two-thirds of the amount received by the treasurer
7 13 from trailer registration fees collected pursuant to section
7 14 321.123, subsection 1, paragraph "a", subparagraph (2).

7 15 (3) One-third of the amount received by the treasurer from
7 16 trailer registration fees collected pursuant to section
7 17 321.123, subsection 2.

7 18 Sec. 18. Section 321.1, subsection 17, Code 2009, is
7 19 amended to read as follows:

7 20 17. "Dealer" means every person engaged in the business of
7 21 buying, selling, or exchanging vehicles of a type required to
7 22 be registered hereunder and who has an established place of
7 23 business for such purpose in this state. "Dealer" includes
7 24 those persons required to be licensed as dealers under
7 25 chapters 322 and 322C.

7 26 Sec. 19. Section 321.18, subsection 7, Code 2009, is
7 27 amended to read as follows:

7 28 7. Any school bus in this state used exclusively for the
7 29 transportation of pupils to and from school or a school
7 30 function or for the purposes provided in section 285.1,
7 31 subsection 1, and section 285.10, subsection 9, or used
7 32 exclusively for the transportation of children enrolled in a
7 33 federal head start program. Upon application the department
7 34 shall, without charge, issue a registration certificate and
7 35 ~~shall also issue registration plates, which shall have~~
8 1 ~~imprinted thereon the words "Private School Bus" and a~~
8 2 ~~distinguishing number assigned to the applicant. Such The~~
8 3 plates shall be attached to the front and rear of each bus
8 4 exempt from registration under this subsection.

8 5 Sec. 20. Section 321.22, Code 2009, is amended to read as
8 6 follows:

8 7 321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT CERTIFICATES
8 8 AND PLATES.

8 9 1. An urban transit company or system having a franchise
8 10 to operate in any city and any regional transit system may
8 11 make application to the department, upon forms furnished by
8 12 the department, for a certificate containing a distinguishing
8 13 number and for one or more pairs of ~~transit bus registration~~
8 14 plates to be attached to the front and rear of buses owned or
8 15 operated by the transit company or system.

8 16 2. The department shall issue to the applicant a
8 17 certificate, or certificates, containing, but not limited to,
8 18 the applicant's name and address, the distinguishing number
8 19 assigned to the applicant, and such other information deemed
8 20 necessary by the department for proper identification of the
8 21 buses.

8 22 3. The department shall issue ~~transit bus registration~~
8 23 ~~plates as applied for, which shall be imprinted with the words~~
8 24 ~~"Transit Bus" and the distinguishing number assigned to the~~
8 25 applicant.

8 26 4. The department shall issue the certificates and plates
8 27 without fee.

8 28 Sec. 21. Section 321.89, subsection 2, Code 2009, is
8 29 amended to read as follows:

8 30 2. AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A
8 31 police authority, upon the authority's own initiative or upon
8 32 the request of any other authority having the duties of
8 33 control of highways or traffic, shall take into custody an
8 34 abandoned vehicle on public property and may take into custody
8 35 an abandoned vehicle on private property. The police
9 1 authority may employ its own personnel, equipment, and
9 2 facilities or hire a private entity, equipment, and facilities
9 3 for the purpose of removing, preserving, storing, or disposing
9 4 of abandoned vehicles. A property owner or other person in
9 5 control of private property may employ a private entity who is
9 6 a garagekeeper, as defined in section 321.90, to dispose of an
9 7 abandoned vehicle, and the private entity may take into
9 8 custody the abandoned vehicle without a police authority's
9 9 initiative. If a police authority employs a private entity to
9 10 dispose of abandoned vehicles, the police authority shall
9 11 provide the private entity with the names and addresses of the

9 12 registered owners, all lienholders of record, and any other
9 13 known claimant to the vehicle or the personal property found
9 14 in the vehicle. The owners, lienholders, or other claimants
9 15 of the abandoned vehicle shall not have a cause of action
9 16 against a private entity for action taken under this section
9 17 if the private entity provides notice as required by
9 18 subsection 3, paragraph "a", ~~to those persons whose names were~~
9 19 ~~provided by the police authority.~~

9 20 Sec. 22. Section 321.89, subsections 3 and 4, Code 2009,
9 21 are amended to read as follows:

9 22 3. NOTIFICATION OF OWNER, LIENHOLDERS, AND OTHER
9 23 CLAIMANTS.

9 24 a. A police authority or private entity that takes into
9 25 custody an abandoned vehicle shall notify, within twenty days,
9 26 by certified mail, the last known registered owner of the
9 27 vehicle, all lienholders of record, and any other known
9 28 claimant to the vehicle or to personal property found in the
9 29 vehicle, addressed to the parties' last known addresses of
9 30 record, that the abandoned vehicle has been taken into
9 31 custody. Notice shall be deemed given when mailed. The
9 32 notice shall describe the year, make, model, and vehicle
9 33 identification number of the vehicle, describe the personal
9 34 property found in the vehicle, set forth the location of the
9 35 facility where the vehicle is being held, and inform the
10 1 persons receiving the notice of their right to reclaim the
10 2 vehicle and personal property within ten days after the
10 3 effective date of the notice upon payment of all towing,
10 4 preservation, and storage charges resulting from placing the
10 5 vehicle in custody and upon payment of the costs of notice
10 6 required pursuant to this subsection. The notice shall also
10 7 state that the failure of the owner, lienholders, or claimants
10 8 to exercise their right to reclaim the vehicle or personal
10 9 property within the time provided shall be deemed a waiver by
10 10 the owner, lienholders, and claimants of all right, title,
10 11 claim, and interest in the vehicle or personal property and
10 12 that failure to reclaim the vehicle or personal property is
10 13 deemed consent to the sale of the vehicle at a public auction
10 14 or disposal of the vehicle to a demolisher and to disposal of
10 15 the personal property by sale or destruction. ~~The If the~~
10 16 abandoned vehicle was taken into custody by a private entity
10 17 without a police authority's initiative, the notice shall
10 18 state that the private entity may claim a garagekeeper's lien
10 19 as described in section 321.90, subsection 1, and may proceed
10 20 to sell or dispose of the vehicle. If the abandoned vehicle
10 21 was taken into custody by a police authority or by a private
10 22 entity hired by a police authority, the notice shall state
10 23 that any person claiming rightful possession of the vehicle or
10 24 personal property who disputes the planned disposition of the
10 25 vehicle or property by the police authority or private entity
10 26 or of the assessment of fees and charges provided by this
10 27 section may ask for an evidentiary hearing before the police
10 28 authority to contest those matters. If the persons receiving
10 29 ~~the~~ notice do not ask for a hearing or exercise their right to
10 30 reclaim the vehicle or personal property within the ten-day
10 31 reclaiming period, the owner, lienholders, or claimants shall
10 32 no longer have any right, title, claim, or interest in or to
10 33 the vehicle or the personal property. A court in any case in
10 34 law or equity shall not recognize any right, title, claim, or
10 35 interest of the owner, lienholders, or claimants after the
11 1 expiration of the ten-day reclaiming period.

11 2 b. If it is impossible to determine with reasonable
11 3 certainty the identity and addresses of the last registered
11 4 owner and all lienholders, notice by one publication in one
11 5 newspaper of general circulation in the area where the vehicle
11 6 was abandoned shall be sufficient to meet all requirements of
11 7 notice under this section. The published notice may contain
11 8 multiple listings of abandoned vehicles and personal property
11 9 but shall be published within the same time requirements and
11 10 contain the same information as prescribed for mailed notice
11 11 in paragraph "a".

11 12 4. AUCTION OF ABANDONED VEHICLES.

11 13 a. If an abandoned vehicle has not been reclaimed as
11 14 provided for in subsection 3, the police authority or private
11 15 entity shall make a determination as to whether or not the
11 16 vehicle shall be sold for use upon the highways. If the
11 17 vehicle is not sold for use upon the highways, it shall be
11 18 sold for junk, or demolished and sold as scrap. The police
11 19 authority or private entity shall sell the vehicle at public
11 20 auction. Notwithstanding any other provision of this section,
11 21 a police authority or private entity may dispose of the
11 22 vehicle to a demolisher for junk without public auction after

11 23 complying with the notification procedures in subsection 3.
11 24 The purchaser of the vehicle takes title free and clear of all
11 25 liens and claims of ownership, shall receive a sales receipt
11 26 from the police authority or private entity, and is entitled
11 27 to register the vehicle and receive a certificate of title if
11 28 sold for use upon the highways. If the vehicle is sold or
11 29 disposed of to a demolisher for junk, the demolisher shall
11 30 make application for a junking certificate to the county
11 31 treasurer within thirty days of purchase and shall surrender
11 32 the sales receipt in lieu of the certificate of title.

11 33 b. From the proceeds of the sale of an abandoned vehicle
11 34 the police authority, if the police authority did not hire a
11 35 private entity, shall reimburse itself for the expenses of the
12 1 auction, the costs of towing, preserving, and storing which
12 2 resulted from placing the abandoned vehicle in custody, all
12 3 notice and publication costs incurred pursuant to subsection
12 4 3, the cost of inspection, and any other costs incurred except
12 5 costs of bookkeeping and other administrative costs. Any
12 6 remainder from the proceeds of a sale shall be held for the
12 7 owner of the vehicle or entitled lienholder for ninety days,
12 8 and shall then be deposited in the road use tax fund. The
12 9 costs to police authorities of auction, towing, preserving,
12 10 storage, and all notice and publication costs, and all other
12 11 costs which result from placing abandoned vehicles in custody,
12 12 whenever the proceeds from a sale of the abandoned vehicles
12 13 are insufficient to meet these expenses and costs, shall be
12 14 paid from the road use tax fund and are the obligation of the
12 15 last owner or owners, jointly and severally.

12 16 c. The director of transportation shall establish by rule
12 17 a claims procedure to be followed by police authorities in
12 18 obtaining expenses and costs from the fund and procedures for
12 19 reimbursement of expenses and costs to a private entity hired
12 20 by a police authority to take custody of an abandoned vehicle.
12 21 If a private entity has been hired by a police authority, the
12 22 police authority shall file a claim with the department for
12 23 reimbursement of towing fees which shall be paid from the road
12 24 use tax fund.

12 25 Sec. 23. Section 321.166, subsection 9, Code 2009, is
12 26 amended to read as follows:

12 27 9. Special registration plates issued pursuant to section
12 28 321.34 ~~beginning January 1, 1997~~, other than gold star, medal
12 29 of honor, collegiate, fire fighter, and natural resources
12 30 registration plates, shall be consistent with the design and
12 31 color of regular registration plates but shall provide a space
12 32 on a portion of the plate for the purpose of allowing the
12 33 placement of a distinguishing processed emblem. Special
12 34 registration plates shall also comply with the requirements
12 35 for regular registration plates as provided in this section to
13 1 the extent the requirements are consistent with the section
13 2 authorizing a particular special vehicle registration plate.

13 3 Sec. 24. Section 321F.9, Code 2009, is amended to read as
13 4 follows:

13 5 321F.9 OPTION TO PURCHASE == DEALER'S LICENSE.

13 6 Any person engaged in business in this state shall not
13 7 enter into any agreement for the use of a motor vehicle under
13 8 the terms of which that person grants to another an option to
13 9 purchase the motor vehicle without first having obtained a
13 10 motor vehicle dealer's license under the provisions of chapter
13 11 322, and all sales of motor vehicles under such options shall
13 12 be subject to sales or use taxes imposed under the provisions
13 13 of chapter 423. Nothing contained in this section shall
13 14 require such person to have a place of business as provided by
13 15 section 322.6, subsection ~~8~~ 1, paragraph "h".

13 16 Sec. 25. Section 321H.2, subsections 6, 8, and 9, Code
13 17 2009, are amended to read as follows:

13 18 6. "Used vehicle parts dealer" means a person engaged in
13 19 the business of selling bodies, parts of bodies, frames or
13 20 component parts of used vehicles subject to registration ~~under~~
~~13 21 chapter 321.~~

13 22 8. "Vehicle rebuilder" means a person engaged in the
13 23 business of rebuilding or restoring to operating condition
13 24 vehicles subject to registration ~~under chapter 321~~, which have
13 25 been damaged or wrecked.

13 26 9. "Vehicle salvager" means a person engaged in the
13 27 business of scrapping, recycling, dismantling, or storing
13 28 wrecked or damaged vehicles or selling reusable parts of
13 29 vehicles or storing vehicles not currently registered which
13 30 vehicles are vehicles subject to registration ~~under chapter~~
~~13 31 321.~~

13 32 Sec. 26. Section 321H.2, Code 2009, is amended by adding
13 33 the following new subsection:

13 34 NEW SUBSECTION. 9A. "Vehicle subject to registration"
13 35 means any vehicle that is of a type required to be registered
14 1 under chapter 321 when operated on a public highway, including
14 2 but not limited to a vehicle that is inoperable, salvage, or
14 3 rebuilt.

14 4 Sec. 27. Section 321H.3, Code 2009, is amended to read as
14 5 follows:

14 6 321H.3 PROHIBITIONS.

14 7 Except for educational institutions, ~~people; persons~~
14 8 licensed as new vehicle dealers under chapter 322, ~~people;~~
14 9 ~~persons~~ engaged in a hobby not for profit, ~~people; persons~~
14 10 engaged in the business of purchasing bodies, parts of bodies,
14 11 frames, or component parts of vehicles only for sale as scrap
14 12 metal; or a ~~person~~ persons licensed under the provisions of
14 13 this chapter as an authorized vehicle ~~recycler recyclers~~, a
14 14 person in this state shall not engage in the business of any
14 15 of the following:

14 16 1. Selling or offering for sale used bodies, parts of
14 17 bodies, frames, or component parts of more than six used
14 18 vehicles subject to registration ~~under chapter 321~~ in a
14 19 ~~calendar year; or twelve-month period.~~

14 20 2. ~~Wrecking or dismantling in a calendar year~~ Dismantling,
14 21 scrapping, recycling, salvaging, or obtaining a junking
14 22 certificate for more than six vehicles or the parts of more
14 23 than six vehicles subject to registration ~~under chapter 321~~
14 24 ~~for resale; or in a twelve-month period.~~

14 25 3. Rebuilding or restoring for sale ~~six or more than six~~
14 26 ~~wrecked or salvage vehicles~~ subject to registration ~~under~~
14 27 ~~chapter 321~~ in a ~~calendar year; or twelve-month period.~~

14 28 4. Storing more than six vehicles not currently registered
14 29 or storing damaged vehicles except where such storing of
14 30 damaged vehicles is incidental to the primary purpose of the
14 31 repair of motor vehicles for others, ~~scrapping, disposing,~~
14 32 ~~salvaging or recycling more than six vehicles or parts of more~~
14 33 ~~than six vehicles~~ subject to registration ~~under chapter 321 in~~
14 34 ~~a calendar year.~~

14 35 Sec. 28. Section 321H.4, subsections 2 and 3, Code 2009,
15 1 are amended to read as follows:

15 2 2. a. Application for a license as an authorized vehicle
15 3 recycler shall be made to the department on forms provided by
15 4 the department. The application shall be accompanied by a fee
15 5 of seventy dollars for a two-year period or part thereof. The
15 6 license shall be approved or disapproved within thirty days
15 7 after application for the license. A license expires on
15 8 December 31 of even-numbered years. A licensee shall have the
15 9 month of expiration and the month after the month of
15 10 expiration to renew the license. A person who fails to renew
15 11 a license by the end of this time period and desires to hold a
15 12 license shall file a new license application and pay the
15 13 required fee. A separate license shall be obtained for each
15 14 county in which an applicant conducts operations.

15 15 b. The applicant shall specify which business or
15 16 businesses, as enumerated in subsection 1, the applicant is
15 17 applying for a license to engage in. An applicant shall have
15 18 or demonstrate that the applicant will have the facilities and
15 19 equipment necessary to engage in the business or businesses
15 20 for which the applicant is applying for a license. The
15 21 license shall specify which business or businesses the
15 22 applicant has been authorized to engage in.

15 23 3. Each licensee shall file with the department a
15 24 supplemental statement form when the licensee's principal
15 25 place of business, an extension, or the operation of business
15 26 in the county is changed to differ from the information
15 27 contained on the initial license application form ~~within~~
15 28 ~~fifteen days after each at least ten days prior to any~~
15 29 operational change. The department shall notify each licensee
15 30 of the approval of a change in license status. If a change in
15 31 license status is approved by the department the licensee
15 32 shall surrender the old license to the department together
15 33 with a thirty-five dollar fee. The department shall issue a
15 34 new license modified to reflect the principal place of
15 35 business, each extension, and the operations of the licensee.

16 1 Sec. 29. Section 321H.6, Code 2009, is amended to read as
16 2 follows:

16 3 321H.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

16 4 The license of a person issued under the provisions of this
16 5 chapter may be denied, revoked, or suspended if the department
16 6 finds ~~that the licensee has~~ any of the following:

16 7 1. ~~Violated~~ The licensee has violated any ~~provisions~~
16 8 ~~provision~~ of this chapter; ~~or,~~

16 9 2. ~~Made~~ The licensee has made any material

16 10 misrepresentation to the department in connection with an
16 11 application for a license, junking certificate, salvage
16 12 certificate, certificate of title, or registration of a
16 13 vehicle ~~or~~.
16 14 3. ~~Been~~ The licensee has been convicted of a fraudulent
16 15 practice in connection with selling or offering for sale
~~16 16 vehicles or parts of vehicles subject to registration under~~
~~16 17 chapter 321, or or any other indictable offense in connection~~
~~16 18 with selling or other activity relating to motor vehicles, in~~
~~16 19 this state or any other state.~~

16 20 4. ~~Failed~~ The licensee has failed to maintain an
16 21 established principal place of business in the county without
16 22 notification to the department ~~or~~.

16 23 5. ~~Had~~ The licensee has had a license issued under the
16 24 provisions of this chapter denied, suspended, or revoked
16 25 within the previous three years ~~or~~.

16 26 6. ~~Been convicted of violation of any of sections 321.52,~~
~~16 27 321.71, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or~~
~~16 28 714.16.~~

16 29 Sec. 30. Section 321H.8, Code 2009, is amended to read as
16 30 follows:

16 31 321H.8 PENALTIES.

16 32 1. A person convicted of violating a provision of this
16 33 chapter is guilty of a serious misdemeanor.

16 34 2. A person convicted of a fraudulent practice or any
16 35 other indictable offense in connection with selling or other
17 1 activity relating to motor vehicles, in this state or any
17 2 other state, shall not for a period of five years from the
17 3 date of conviction be an owner, salesperson, employee, officer
17 4 of a corporation, or representative of a licensed motor
17 5 vehicle recycler or represent themselves as an owner,
17 6 salesperson, employee, officer of a corporation, or
17 7 representative of a licensed motor vehicle recycler.

17 8 Sec. 31. Section 322.3, subsection 12, Code 2009, is
17 9 amended to read as follows:

17 10 12. A person convicted of a fraudulent practice or any
17 11 other indictable offense in connection with selling,
17 12 ~~bartering, or otherwise dealing in or other activity relating~~
17 13 ~~to motor vehicles, in this state or any other state, shall not~~
17 14 ~~for a period of five years from the date of conviction be an~~
17 15 ~~owner, salesperson, employee, officer of a corporation, or~~
17 16 ~~dealer representative of a licensed motor vehicle dealer or~~
17 17 ~~represent themselves as an owner, salesperson, employee, or~~
17 18 ~~dealer representative of a licensed motor vehicle dealer.~~

17 19 Sec. 32. Section 322.6, Code 2009, is amended to read as
17 20 follows:

17 21 322.6 DENIAL OF LICENSE.

17 22 1. The department may deny the application of ~~any~~ a person
17 23 for a license as a motor vehicle dealer and refuse to issue a
17 24 license to the person ~~as such~~, if, after reasonable notice and
17 25 a hearing, the department determines ~~that such applicant any~~
17 26 ~~of the following:~~

17 27 1- a. ~~Has~~ The applicant made a material false statement in
17 28 the application for the license ~~or~~.

17 29 2- b. ~~Has~~ The applicant has not complied with the
17 30 provisions of this chapter or any rules or regulations
17 31 ~~promulgated~~ adopted by the department ~~thereunder~~ pursuant to
17 32 ~~this chapter, except as otherwise provided or~~.

17 33 3- c. ~~Is~~ The applicant is of bad business repute ~~or~~.

17 34 4- d. ~~Has~~ The applicant has been ~~guilty~~ convicted of a
17 35 fraudulent ~~act~~ practice in connection with selling, ~~bartering,~~
18 1 ~~or otherwise dealing in or other activity relating to motor~~
18 2 ~~vehicles or in this or any other state.~~

18 3 5- e. ~~Is~~ The applicant is about to engage in ~~any~~ a
18 4 fraudulent practice or other indictable offense in connection
18 5 with the sale, barter, or otherwise dealing in selling or
18 6 other activity relating to motor vehicles, ~~which is fraudulent~~
18 7 ~~or in violation of the law or in this or any other state.~~

18 8 6- f. ~~Has~~ The applicant has entered into a contract or
18 9 agreement or is about to enter into a contract or agreement
18 10 with ~~any~~ a manufacturer or distributor of motor vehicles which
18 11 is contrary to any provision of this chapter ~~or~~.

18 12 7- g. ~~Has~~ The applicant has a contract or agreement with
18 13 ~~any~~ a manufacturer or distributor of motor vehicles or is
18 14 about to enter into a contract or agreement with ~~any~~ a
18 15 manufacturer or distributor of motor vehicles, who, without
18 16 just, reasonable, and lawful cause ~~therefor~~, has terminated
18 17 within ninety days from the date of application a contract or
18 18 agreement with a motor vehicle dealer in any county of the
18 19 state in which the applicant proposes to engage in business ~~or~~.

18 20 8- h. ~~Does~~ The applicant does not have a place of business

18 21 within the meaning of this chapter, unless the applicant is a
18 22 person referred to in ~~subsection 7~~ of section 322.3+,
18 23 subsection 7.

18 24 ~~9. i. Has~~ The applicant has violated any of the provisions
18 25 provision of ~~sections~~ section 321.78, 321.81, 321.92, 321.97,
18 26 321.98, 321.99, 321.100, 539.4, 714.1, ~~and or~~ 714.16+ or.

18 27 ~~10. j. If it has been judicially determined~~ Following a
18 28 judicial determination that the licensee has applicant
18 29 intentionally violated any of the provisions provision of the
18 30 Iowa consumer credit code, chapter 537, ~~and the licensee the~~
18 31 applicant continues to make consumer credit sales, consumer
18 32 loans, or consumer leases in violation of the Iowa consumer
18 33 credit code, chapter 537.

18 34 k. The applicant is or will be acting on behalf of a
18 35 person whose dealer license has been revoked as provided in
19 1 this chapter.

19 2 2. It shall be sufficient cause for refusal or revocation
19 3 of a license as a motor vehicle dealer in the case of a
19 4 partnership or corporation if any member of the partnership or
19 5 any officer or director of the corporation has committed any
19 6 an act or omission which would be cause for refusing to issue
19 7 a license to, or revoking a license to of, such person as an
19 8 individual.

19 9 3. In considering whether or not a contract or agreement
19 10 between a motor vehicle dealer and a manufacturer or
19 11 distributor of motor vehicles has been terminated by such the
19 12 manufacturer or distributor without just and reasonable cause
19 13 therefor, the department shall take into consideration the
19 14 circumstances existing at the time of such the termination,
19 15 including the amount of business transacted by the motor
19 16 vehicle dealer pursuant to the contract or agreement and prior
19 17 to such the termination; the investment necessarily made and
19 18 the obligation necessarily incurred by the motor vehicle
19 19 dealer in the performance of the dealer's part of such the
19 20 contract; the permanency of such investment; the reasons for
19 21 such the termination by such the manufacturer or distributor;
19 22 and the fact that it is injurious to the public welfare for
19 23 the business of a motor vehicle dealer to be disrupted by
19 24 termination of such a contract without just and reasonable
19 25 cause.

19 26 4. Whenever the department determines to deny the
19 27 application of any a person for a license as a motor vehicle
19 28 dealer and refuses to issue a license to the person as such,
19 29 the department shall enter a final order thereof with its
19 30 findings relating thereto to the determination within thirty
19 31 days from the date of the hearing thereon.

19 32 Sec. 33. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
19 33 The section of this division of this Act amending section
19 34 312.2, subsection 19, being deemed of immediate importance,
19 35 takes effect upon enactment and applies retroactively to
20 1 January 1, 2009.

20 2 DIVISION IV
20 3 ENFORCEMENT

20 4 Sec. 34. Section 321.95, Code 2009, is amended to read as
20 5 follows:

20 6 321.95 RIGHT OF INSPECTION.

20 7 1. Peace officers shall have the authority to inspect any
20 8 vehicle or component part in possession of a vehicle
20 9 rebuilder, vehicle salvager, used vehicle parts dealer, or any
20 10 person licensed under chapter 322, or found upon the public
20 11 highway or in any public garage, enclosure, or property in
20 12 which vehicles or component parts are kept for sale, storage,
20 13 hire, or repair and for that purpose may enter any such public
20 14 garage, enclosure, or property. Every vehicle rebuilder,
20 15 vehicle salvager, used vehicle parts dealer, or any person
20 16 licensed under chapter 322, or a person having used engines or
20 17 transmissions which are component parts for sale shall keep an
20 18 accurate and complete record of all vehicles demolished and of
20 19 such component parts purchased or received for resale as
20 20 component parts in the course of business. These records shall
20 21 contain the name and address of the person from whom each such
20 22 vehicle or component part was purchased or received and the
20 23 date when the purchase or receipt occurred or the junking
20 24 certificate if required for the vehicle. These records shall
20 25 be open for inspection by any peace officer at any time during
20 26 normal business hours. Records required by this section shall
20 27 be kept for at least three years after the transaction which
20 28 they record.

20 29 2. A person convicted of a violation of this section is
20 30 guilty of a simple misdemeanor punishable as a scheduled
20 31 violation under section 805.8A, subsection 14, paragraph "j".

20 32 Sec. 35. Section 321.449, subsection 4, Code 2009, is
20 33 amended to read as follows:
20 34 4. Notwithstanding other provisions of this section, rules
20 35 adopted under this section for drivers of commercial vehicles
21 1 shall not apply to a driver of a commercial vehicle who is
21 2 engaged exclusively in intrastate commerce, when the
21 3 commercial vehicle's gross vehicle weight rating is twenty=six
21 4 thousand pounds or less, unless the vehicle is used to
21 5 transport hazardous materials requiring a placard or if the
21 6 vehicle is designed to transport more than fifteen passengers,
21 7 including the driver. For the purpose of complying with the
21 8 hours of service recordkeeping requirements under 49 C.F.R. }
~~21 9 395.1(e)(5) }~~ 395.1(e)(1)(v)(A=D), a driver's report of daily
21 10 beginning and ending on=duty time submitted to the motor
21 11 carrier at the end of each workweek shall be considered
21 12 acceptable motor carrier time records. In addition, rules
21 13 adopted under this section shall not apply to a driver
21 14 operating intrastate for a farm operation as defined in
21 15 section 352.2, or for an agricultural interest when the
21 16 commercial vehicle is operated between the farm as defined in
21 17 section 352.2 and another farm, between the farm and a market
21 18 for farm products, or between the farm and an agribusiness
21 19 location. A driver or a driver=salesperson for a private
21 20 carrier, who is not for hire and who is engaged exclusively in
21 21 intrastate commerce, may drive twelve hours, be on duty
21 22 sixteen hours in a twenty=four=hour period and be on duty
21 23 seventy hours in seven consecutive days or eighty hours in
21 24 eight consecutive days. For=hire drivers who are engaged
21 25 exclusively in intrastate commerce and who operate trucks and
21 26 truck tractors exclusively for the movement of construction
21 27 materials and equipment to and from construction projects may
21 28 also drive twelve hours, be on duty sixteen hours in a
21 29 twenty=four=hour period, and be on duty seventy hours in seven
21 30 consecutive days or eighty hours in eight consecutive days. A
21 31 "driver=salesperson" means as defined in 49 C.F.R. } 395.2, as
21 32 adopted by the department by rule.

21 33 Sec. 36. Section 321.449, Code 2009, is amended by adding
21 34 the following new subsection:

21 35 NEW SUBSECTION. 8. In the course of enforcing the motor
22 1 carrier safety rules adopted by the department under chapter
22 2 17A, the department's peace officers are authorized, at
22 3 reasonable times and places and with reasonable notice, to
22 4 enter a motor carrier's place of business for the purpose of
22 5 performing a motor carrier safety audit or compliance review.
22 6 Nothing in this subsection by itself permits the seizure of
22 7 the property of a motor carrier. Any audit or review shall be
22 8 conducted in compliance with the federal motor carrier safety
22 9 regulations in 49 C.F.R. pts. 105=185, 382, 383, 385, and
22 10 390=399. A peace officer of the department is authorized to
22 11 inspect and copy motor carrier records required by 49 C.F.R.
22 12 pts. 105=185, 382, 383, 385, and 390=399.

22 13 Sec. 37. Section 805.6, subsection 1, paragraph a,
22 14 subparagraphs (1) and (2), Code 2009, are amended to read as
22 15 follows:

22 16 (1) The commissioner of public safety, the director of
22 17 transportation, and the director of the department of natural
22 18 resources, acting jointly, shall adopt a uniform, combined
22 19 citation and complaint which shall be used for charging all
22 20 traffic violations in Iowa under state law or local regulation
22 21 or ordinance, and which shall be used for charging all other
22 22 violations which are designated by sections 805.8A, 805.8B,
22 23 and 805.8C to be scheduled violations. The filing fees and
22 24 court costs in cases of parking meter and overtime parking
22 25 violations which are denied are as stated in section 602.8106,
22 26 subsection 1. The court costs in scheduled violation cases
22 27 where a court appearance is not required are as stated in
22 28 section 602.8106, subsection 1. The court costs in scheduled
22 29 violation cases where a court appearance is required are as
22 30 stated in section 602.8106, subsection 1. This subsection
22 31 does not prevent the charging of any of those violations by
22 32 information, by private complaint filed under chapter 804, or
22 33 by a simple notice of fine where permitted by section 321.236,
22 34 subsection 1. Each uniform citation and complaint shall be
22 35 serially numbered and shall be in quintuplicate, and the
23 1 officer shall deliver the original and a copy to the court
23 2 where the defendant is to appear, two copies to the defendant,
23 3 and a copy to the law enforcement agency of the officer. If
23 4 the uniform citation and complaint is created electronically,
23 5 the issuing agency shall cause the uniform citation and
23 6 complaint to be transmitted to the court, and the officer
23 7 shall deliver a document to the defendant which contains a

23 8 section for the defendant and a section which may be sent to
23 9 the court. The court shall forward an abstract of the uniform
23 10 citation and complaint in accordance with section 321.491 when
23 11 applicable.

23 12 (2) The uniform citation and complaint shall contain
23 13 spaces for the parties' names; the address of the alleged
23 14 offender; the registration number of the offender's vehicle;
23 15 the information required by section 805.2, a warning which
23 16 states, "I hereby swear and affirm that the information
23 17 provided by me on this citation is true under penalty of
23 18 providing false information"; and a statement that providing
23 19 false information is a violation of section 719.3; a list of
23 20 the scheduled fines prescribed by sections 805.8A, 805.8B, and
23 21 805.8C, either separately or by group, and a statement of the
23 22 court costs payable in scheduled violation cases, whether or
23 23 not a court appearance is required or is demanded; a brief
23 24 explanation of sections 805.9 and 805.10; and a space where
23 25 the defendant may sign an admission of the violation when
23 26 permitted by section 805.9; and the uniform citation and
23 27 complaint shall require that the defendant appear before a
23 28 court at a specified time and place. The uniform citation and
23 29 complaint also may contain a space for the imprint of a credit
23 30 card, and may contain any other information which the
23 31 commissioner of public safety, the director of transportation,
23 32 and the director of the department of natural resources may
23 33 determine.

23 34 Sec. 38. Section 805.8A, subsection 14, Code 2009, is
23 35 amended by adding the following new paragraph:

24 1 NEW PARAGRAPH. j. VEHICLE COMPONENT PARTS RECORDS
24 2 VIOLATIONS. For violations under section 321.95, the
24 3 scheduled fine is fifty dollars.

24 4 DIVISION V
24 5 FUEL TAX REVENUES

24 6 Sec. 39. Section 452A.3, subsection 1, paragraph a, Code
24 7 2009, is amended to read as follows:

24 8 a. The rate of the excise tax shall be based on the number
24 9 of gallons of ethanol blended gasoline that is distributed in
24 10 this state as expressed as a percentage of the number of
24 11 gallons of motor fuel distributed in this state, which is
24 12 referred to as the distribution percentage. For purposes of
24 13 this subsection, only ethanol blended gasoline and nonblended
24 14 gasoline, not including aviation gasoline, shall be used in
24 15 determining the percentage basis for the excise tax. The
24 16 department shall determine the percentage basis for each
24 17 determination period beginning January 1 and ending December
24 18 31. The rate for the excise tax shall apply for the period
24 19 beginning July 1 and ending June 30 following the end of the
24 20 determination period.

24 21 DIVISION VI
24 22 TIME=21 FUND == CAP ON ANNUAL DEPOSITS

24 23 Sec. 40. Section 312A.2, Code 2009, is amended to read as
24 24 follows:

24 25 312A.2 TRANSPORTATION INVESTMENT MOVES THE ECONOMY IN THE
24 26 TWENTY-FIRST CENTURY (TIME=21) FUND.

24 27 1. A transportation investment moves the economy in the
24 28 twenty-first century fund is created in the state treasury
24 29 under the control of the department. The fund shall be known
24 30 and referred to as the TIME=21 fund. The fund shall consist
24 31 of any moneys appropriated by the general assembly and any
24 32 revenues credited by law to the TIME=21 fund. Moneys in the
24 33 fund are not subject to section 8.33. Notwithstanding section
24 34 12C.7, subsection 2, interest or earnings on moneys deposited
24 35 in the fund shall be credited to the fund.

25 1 2. Notwithstanding subsection 1 and section 312.2, for the
25 2 fiscal year beginning July 1, 2008, and for each fiscal year
25 3 thereafter, not more than a total of two hundred twenty-five
25 4 million dollars shall be deposited in the TIME=21 fund for any
25 5 fiscal year. Any remaining moneys directed to be deposited in
25 6 the TIME=21 fund for a fiscal year shall be deposited or
25 7 retained in the road use tax fund.

25 8 Sec. 41. EFFECTIVE DATE. The section of this division of
25 9 this Act amending section 312A.2, being deemed of immediate
25 10 importance, takes effect upon enactment.

25 11 EXPLANATION

25 12 This bill contains miscellaneous provisions concerning the
25 13 administration of the department of transportation and matters
25 14 regulated by the department.

25 15 DIVISION I == ADMINISTRATION. The bill strikes language
25 16 authorizing the use of moneys in the statutory allocation fund
25 17 for expenditures for projects on bridges over rivers bordering

25 19 the state which are not payable from the primary road fund.
25 20 DIVISION II == DRIVER LICENSING. The bill provides that a
25 21 person who has been named by a court as the temporary
25 22 custodian of an unmarried minor under 18 years of age may
25 23 consent to the issuance of a driver's license to the minor.
25 24 The custodian may authorize the minor's participation in the
25 25 graduated driver licensing program and fulfill the role of
25 26 parent or guardian for the accompanied driving requirements of
25 27 the program.

25 28 The bill amends provisions relating to disqualification of
25 29 a commercial motor vehicle operator for operating while
25 30 intoxicated. Under current law, a person is disqualified from
25 31 operating a commercial motor vehicle for one year if the
25 32 person is found to have operated a commercial motor vehicle
25 33 while any amount of a controlled substance is present in the
25 34 person or if the person is found to have operated a commercial
25 35 or noncommercial motor vehicle while under the influence of an
26 1 alcoholic beverage or other drug or controlled substance. The
26 2 bill replaces those provisions with a single requirement that
26 3 a person is disqualified from operating a commercial motor
26 4 vehicle for one year if the person is found to have operated a
26 5 commercial or noncommercial motor vehicle while intoxicated,
26 6 as that term applies for all motor vehicle operators under
26 7 Code chapter 321J. The bill makes a conforming amendment
26 8 relating to the information required in a peace officer's
26 9 statement to a person requested to submit to a chemical test.
26 10 Finally, the bill requires that when a person's driver's
26 11 license has been administratively revoked upon a charge of
26 12 operating while intoxicated and a criminal decision on the
26 13 evidence leads to rescission of the revocation, the department
26 14 shall also rescind a disqualification from operating a
26 15 commercial motor vehicle that resulted from the same
26 16 circumstances that lead to the revocation if the person was
26 17 operating a noncommercial motor vehicle and holding a
26 18 commercial driver's license when the incident occurred. The
26 19 provision is effective upon enactment of the bill and applies
26 20 retroactively to January 1, 2009.

26 21 The bill strikes the duty of the department of
26 22 transportation to determine whether a person has the ability
26 23 to pay a criminal penalty, fine, surcharge, or court costs
26 24 before the department suspends the person's driver's license
26 25 for failure to pay.

26 26 The bill strikes a provision in current law that requires
26 27 the department to extend the period of suspension or
26 28 revocation of a person's driver's license when the department
26 29 is notified by the court that the person was convicted of
26 30 operating a motor vehicle while the license was suspended or
26 31 revoked. Currently, a person who receives a citation for an
26 32 offense which is a simple misdemeanor may avoid appearing in
26 33 court by giving an unsecured appearance bond and entering a
26 34 written appearance. However, that option is not available to
26 35 a person cited for operating a motor vehicle while the
27 1 person's driver's license is denied, canceled, suspended, or
27 2 revoked or a person who commits a similar offense or fails to
27 3 surrender a suspended or revoked license under Code chapter
27 4 321A, the "Motor Vehicle Financial and Safety Responsibility
27 5 Act". Under the bill, the option of giving an unsecured
27 6 appearance bond and entering a written appearance is allowed
27 7 for any simple misdemeanor offense.

27 8 The bill repeals the department's administrative authority
27 9 to waive or refund driver's license fees.

27 10 DIVISION III == VEHICLES. Language allocating revenue from
27 11 trailer registration fees to the TIME=21 fund is revised to
27 12 account for fees that are prorated for a portion of a year,
27 13 and not just fees that are collected for the entire year.
27 14 This provision takes effect upon enactment and applies
27 15 retroactively to January 1, 2009.

27 16 The definition of "dealer" in Code chapter 321 is amended
27 17 to include persons required to be licensed as motor vehicle
27 18 dealers or as travel trailer dealers.

27 19 The bill eliminates specific requirements for the design of
27 20 registration plates issued for private school buses and
27 21 transit buses. Plates labeled "private school bus" or
27 22 "transit bus" will no longer be required.

27 23 The bill allows a private towing company to sell an
27 24 abandoned vehicle towed at the request of the owner of private
27 25 property. Under the bill, a private property owner or person
27 26 in control of private property may employ a garagekeeper to
27 27 tow an abandoned vehicle from the private property and take
27 28 the vehicle into custody without the initiative of a police
27 29 authority. Within 20 days after taking the vehicle into

27 30 custody, the garagekeeper must provide notice to the last
27 31 known registered owner of the vehicle, all lienholders of
27 32 record, and any other known claimant to the vehicle or
27 33 personal property found in the vehicle. If the persons
27 34 receiving notice do not ask for a hearing or exercise their
27 35 right to reclaim the vehicle within 10 days, the garagekeeper
28 1 may sell the vehicle at public auction for use upon the
28 2 highway or for junk, or the garagekeeper may demolish the
28 3 vehicle. Pursuant to current law, when a vehicle is abandoned
28 4 on a garagekeeper's property, a police authority may take the
28 5 vehicle into custody and sell the vehicle at auction;
28 6 otherwise, the garagekeeper may dispose of the vehicle to a
28 7 demolisher. "Garagekeeper" is defined as an operator of a
28 8 parking place or establishment, motor vehicle storage
28 9 facility, or establishment for the servicing, repair, or
28 10 maintenance of motor vehicles.

28 11 The bill allows the department to issue special gold star
28 12 motor vehicle registration plates with a design and color that
28 13 varies from that of regular registration plates. Currently,
28 14 most special plates must conform to the design and color of
28 15 regular registration plates, except for a space to allow
28 16 placement of a distinguishing processed emblem.

28 17 The bill amends several provisions relating to vehicle
28 18 recyclers. The bill specifies that a license is required for
28 19 a person engaged in the business of dismantling, scrapping,
28 20 recycling, salvaging, or obtaining a junking certificate for
28 21 more than six vehicles subject to registration in a 12-month
28 22 period. The period for filing a supplemental statement form
28 23 with the department is changed from within 15 days after each
28 24 operational change to at least 10 days prior to any
28 25 operational change. The bill clarifies that grounds for
28 26 revocation of a license include conviction of a fraudulent
28 27 practice or any other indictable offense in connection with
28 28 selling or other activity relating to motor vehicles in this
28 29 or any other state. For five years following such a
28 30 conviction, a person shall not be, and shall not represent
28 31 themselves to be, an owner, salesperson, employee, officer of
28 32 a corporation, or representative of a licensed motor vehicle
28 33 recycler.

28 34 The bill makes revisions to Code sections 322.3 and 322.6
28 35 relating to prohibited acts regarding motor vehicle
29 1 manufacturing, distributing, and selling and to denial of an
29 2 application for a motor vehicle dealer's license,
29 3 respectively. The bill clarifies provisions regarding
29 4 prohibitions against, and denial of a motor vehicle dealer's
29 5 license for, acts which are fraudulent practices or other
29 6 indictable offenses in connection with selling or other
29 7 activity relating to motor vehicles in this or any other
29 8 state. In addition, the bill provides that a motor vehicle
29 9 dealer's license may be denied if the applicant is or will be
29 10 acting on behalf of a person whose dealer license has been
29 11 revoked.

29 12 DIVISION IV == ENFORCEMENT. Current law gives peace
29 13 officers inspection authority concerning vehicles and
29 14 component parts and establishes recordkeeping requirements for
29 15 vehicle rebuilders, vehicle salvagers, used vehicle parts
29 16 dealers, motor vehicle dealers, and certain other persons
29 17 engaged in related practices. Currently, a violation of those
29 18 provisions is a simple misdemeanor. The bill changes the
29 19 penalty to a simple misdemeanor punishable by a scheduled fine
29 20 of \$50.

29 21 The bill authorizes the department's peace officers to
29 22 enter a motor carrier's place of business at reasonable times
29 23 and with reasonable notice to perform safety audits and
29 24 compliance reviews in conformance with federal motor carrier
29 25 safety regulations. The bill specifies that the authorizing
29 26 provision does not by itself permit the seizure of a motor
29 27 carrier's property. The department's peace officers are also
29 28 authorized to inspect and copy motor carrier records required
29 29 by federal regulations.

29 30 The bill adds language to requirements for the processing
29 31 of a uniform citation and complaint that is created
29 32 electronically. Specifically, the issuing agency must
29 33 transmit the uniform citation and complaint to the court, and
29 34 the officer issuing the citation must deliver a document to
29 35 the defendant which contains a section for the defendant and a
30 1 section which may be sent to the court.

30 2 DIVISION V == FUEL TAX REVENUES. The bill amends Code
30 3 section 452A.3 to clarify that aviation gasoline is excluded
30 4 under the formula for the calculation of the excise tax on
30 5 ethanol blended gasoline and regular gasoline.

30 6 DIVISION VI == TIME=21 FUND == CAP ON ANNUAL DEPOSITS. The
30 7 bill establishes a cap on the amount of revenue to be
30 8 deposited in the TIME=21 fund. Beginning with FY 2008=2009,
30 9 not more than \$225 million shall be deposited in the TIME=21
30 10 fund. Any revenues directed to the TIME=21 fund above that
30 11 limit are to be deposited or retained in the road use tax
30 12 fund.
30 13 LSB 1312HV 83
30 14 dea/nh/8